IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **COCP No.714 of 1999**

DATE OF DECISION: March 2, 2007

HARI CHAND AND ORS., ...PETITIONERS

VERSUS

SHRI KULDIP SINGH MINHAR & ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: MR. S.D. BANSAL , ADVOCATE FOR THE PETITIONERS.
MR. ARUN JAIN, ADVOCATE FOR THE RESPONDENTS.

ASHUTOSH MOHUNTA, J.

The petitioners have filed this petition under Sections 10, 11 and 12 of the Contempt of Courts Act, 1971 for taking action against the respondents for violation of order dated 24.7.1986, by which the parties were directed to maintain status quo regarding possession.

It has been averred that despite the orders of status quo granted by this Court, respondent Nos.1, 3 and 4 have started repartitioning the land. It has further been averred that the respondents are raising construction over the land. Reliance has been placed on certain photographs which have been annexed as Annexure P-2.

Reply has been filed on behalf of respondent Nos.5 to 7 wherein, it has been averred that the answering respondents came in physical possession of the respective portions of the land in question and entries to that effect are duly reflected in the Revenue Department. It has been averred that the respondents are in possession of the respective parcels

of land. Reliance has been placed on copies of Jamabandies (Annexure R-1 to R-6) showing the possession of the respondents over the land in question. On the basis of the above, it is submitted that the answering respondents have not repartitioned the land.

The respondents have further submitted that the photographs relied upon by the petitioner do not show transfer of possession of land. After hearing learned counsel for the parties, it is clear that the repartition proceedings were concluded prior to the filing of CWP No.2248 of 1986. The respondents had come in physical possession of the respective portions of land in question. Apart from the above, the petitioners have not mentioned any date as to when the respondents are alleged to have violated the orders passed by this Court. The averments made in the contempt petition are vague.

Apart from the above, as per order dated 9.5.1985, the possession of the land was shown belonging to 3 pattis namely, Patti Saut, Patti Nihal and Patti Nathi in the column of possession. The shares of share-holders were also specified and further it was shown in the relevant columns. Thus, it cannot be said that the respondents had violated the order of status quo granted by this Court.

In view of the above, there is no merit in this petition and the same is dismissed.

March 2, 2007 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**